

REMARKS

The Office examined claims 1-18, and rejected each. The claims are variously amended, and 18 new claims are added. Claim 14 is cancelled so that claims 1-13 and 15-36 are pending.

Claim Rejections 35 USC 102:

At p. 3, part 7 of the Office Action, claims 1, 4-6 & 9-18 are rejected under 35 USC 102(b) as being anticipated by US Pat. Pub. No 2002/0004840 to *Harumoto et al.* The pending independent claims rejected under 35 USC 102(b) are 1, 4-5, 9-10, 13 & 15.

The objective of the invention as disclosed by *Harumoto* is to provide a method for preventing streaming downloads in a video decoder from being disrupted due to underflows and overflows in the network jitter buffer. This is caused by fluctuating delay conditions in the network. As a result of this identified problem *Harumoto* teaches, as cited by the examiner in [0132], of a parameter S_{target} , where the parameter is determined based on the entire capacity of the buffer in the receiving device. The purpose of the parameter is therefore to control the buffering size required by the system in order to overcome fluctuations in network activity.

The objective of the present invention is to solve a different problem of reducing the amount of buffering required by a media codec driven by the need when a coding system transmits and encodes pictures/ frames in a different order from which they are displayed and outputted. Consequently, the parameter as claimed in amended claim 1 of the present invention depends on and is determined by different factors to those which the parameter S_{target} depend on as taught by *Harumoto*.

In particular, the independent claims hereof do not read on the *Harumoto et al* disclosure. *Harumoto et al* describe their S_{target} parameter as follows:

[0136] In the above (2), the parameter "S_target" is changed according to the fluctuation of the transmission capacity of the network 103. To be specific, assuming that the terminal 102 is a mobile phone, the field intensity (e.g., four intensity levels of "high, medium, low, out of area") can be detected. Thus, any change observed in the field intensity is regarded as "the change of transmission capacity of the network 103", and accordingly the parameter "S_target" is changed. For example, if the field intensity is changed from "high" to "medium", the terminal 102 changes the parameter "S_target" to a larger value, and if changed from "medium" to "low", the parameter "S_target" is changed to a smaller value.

This does not involve defining a parameter concerning transmission units preceding and following any transmission unit, in contrast to the limitation of the original claim 1, which appeared as follows before the above amendment (emphasis supplied):

1. (Original) A method for buffering multimedia information, wherein a parameter is defined indicative of the maximum amount of transmission units comprising multimedia data that precede any transmission unit comprising multimedia data in a packet stream in transmission unit transmission order and follow the transmission unit comprising multimedia data in decoding order.

Rather, the *Harumoto* parameter S_target has to do with external factors such as fluctuation of the transmission capacity of the network which merely cause S_target to be changed in magnitude. There is nothing in the cited passages of *Harumoto* or in the [0136] paragraph of *Harumoto* that the parameter limitation of claim 1 reads onto. Moreover, although claim 1 has now been amended to overcome the 112 rejection (by adding positive recitations in separate paragraphs) it retains essentially the same limitation concerning the definition of the parameter as follows (emphasis supplied):

1. (Currently amended) A method comprising:

receiving media data, and

buffering the media data in a buffer, the media data being included in data transmission units, the data transmission units ordered in a transmission order which is at least partly different from a decoding order of the media data in the data transmission units, wherein a parameter is

defined indicative of the maximum number of data transmission units that precede any data transmission unit in a packet stream in the transmission order and follow the data transmission unit in the decoding order.

The other independent claims contain the same limitation. Furthermore, claim 1 has been amended to include the limitation that

...the data transmission units ordered in a transmission order which is at least partly different from a decoding order of the media data in the data transmission units, ...

This again emphasizes the very greatly different technical content between *Harumoto* and that of the present disclosure.

It is also the view of the applicant that the Office has not considered claim 1 of the present invention as a whole. The Office has proceeded to go through the *Harumoto* reference picking out features which appear to match each one of the factors in isolation upon which the parameter in claim 1 depends. For example, the Office has selected S_target to mean the feature "maximum amount of transmission units" from claim 1, then followed by a generic encoder transmission block description (Fig. 2, 402, paragraph [0119] lines 1-5) and a generic decoder block (Fig. 3, 509, paragraph [0122]) to map to the rest of the features of claim 1. However, each one of these features do not individually or collectively teach the method as claimed in claim 1 of the present invention for the reasons explained above.

For these reasons it is submitted that the *Harumoto* reference does not anticipate the essential features of the independent claims. Consequently, all subsequent dependent claims should be allowed since they rely on the features of the respective independent claims. Applicant therefore respectfully requests that all rejections under 35 USC 102(b) be reconsidered and withdrawn.

Claim Rejections 35 USC 103:

At p. 7, part 10 of the Office Action, claims 2-3 & 7-8 are rejected under 35 USC 103(a) as being unpatentable over *Harumoto et al* in view of US Pat. Pub. No. 2004/0005007 to *Viscitto et al*.

In light of the remarks presented above, and for at least the same reasons, the combined teachings of *Harumoto* in view of *Viscitto* do not teach all the features of the main independent claims. Applicant therefore respectfully requests that all rejections under 35 USC 103(a) be reconsidered and withdrawn.

Claim Rejections 35 USC 101:

At p. 3, part 5 of the Office Action, claims 13 & 14 are rejected under 35 USC 101 as being directed to non-statutory subject matter. In response, signal claim 14 is cancelled, and computer program product claim 13 is amended so as to explicitly recite including a computer readable storage medium embodying computer program code. Applicant therefore respectfully requests that the remaining rejection under 35 USC 101 be reconsidered and withdrawn.

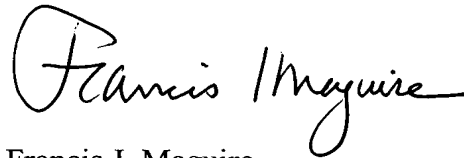
Claim Rejections 35 USC 112:

At p. 2, part 4 of the Office Action, claims 1-15 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 14 is cancelled, and claims 1-13 & 15 have been amended so as to obviate this grounds for rejection. It is therefore respectfully requested that all rejections under 35 USC 112 be reconsidered and withdrawn.

Conclusion

The rejections of the Office Action of June 28, 2007, having been obviated by amendment or shown to be inapplicable withdrawal thereof is requested and passage of all pending claims to issue is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink that reads "Francis J. Maguire". The signature is written in a cursive style with a large, looped initial "F".

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